

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-120298
	:	TRIAL NO. B-1107059
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
RANDALL COOK,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2, App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Following a bench trial, defendant-appellant Randall Cook was found guilty of carrying a concealed weapon in violation of R.C. 2923.12. The trial court sentenced him to one year of community control. This appeal ensued.

In his first assignment of error, Cook claims that the state failed to present sufficient evidence to support his conviction. This argument has no merit. State's witness Cincinnati Police Specialist Michael Harper testified that he saw Cook get into a parked car and pull a handgun out from underneath the passenger's seat. Cook contends that his conviction must be reversed because Harper testified that, shortly before Cook had gotten in the car, Harper had been able to see part of the handgun sticking out from under the seat. So, Cook argues, the handgun had not been "concealed" within the meaning of R.C. 2923.12(A)(2). But a defendant can be

convicted of carrying a concealed weapon even if the weapon had been partially visible. *State v. Pryor*, 1st Dist. No. C-110205, 2012-Ohio-1033. This assignment of error is overruled on the authority of *State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus.

In his second assignment of error, Cook claims that his conviction was against the weight of the evidence. At trial Cook presented a version of events which, if believed, may have exonerated him. But there is no indication that the trial court so “lost its way” in weighing the evidence presented as to warrant a new trial. Cook’s second assignment of error is therefore overruled. *See State v. Thompkins*, 78 Ohio St.3d 380, 678 N.E.2d 541 (1997).

In his third assignment of error, Cook argues that the trial court erred when it denied his Crim.R. 29 motion for an acquittal. Based on Harper’s testimony, we hold that this argument has no merit. *See State v. Bridgeman*, 55 Ohio St.2d 261, 381 N.E.2d 184 (1978), syllabus. Cook’s third assignment of error is overruled.

The trial court’s judgment is affirmed.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., HENDON and DINKELACKER, JJ.

To the clerk:

Enter upon the journal of the court on November 30, 2012
per order of the court _____.
Presiding Judge